

Trustee's 341 Filings

Overview: This ECF category, to be used by Chapter 7 trustees only, does away with both the traditional 341(a) worksheet and certain of the procedures that were able to be done via the filing of that worksheet, as will be explained in depth below. One big change is that IRAs now become text-only filings (i.e. no document need be produced and filed). No Asset IRAs and Continued 341(a) Meetings are the two primary functions of this category, whereas other categories and events will now be used by you to, for example, file Asset and Undetermined IRAs; Motions to Sever; and Motions to Dismiss based on non-appearance at the 341(a) meeting.

STEP 1. Click on **Bankruptcy** on the ECF Main Menu Bar.

STEP 2. Click on **Trustee's 341 Filings**.

STEP 3. A screen displays for you to enter a 341(a) date, in which you are the trustee.

☐ Click **Next**.

STEP 4. A list of all cases set for that day appears, in case number order. There are 3 basic options available for each case listed: (1) **Further Action Required**; (2) **NO ASSETS** (the default); and (3) **Continue To, Date, Time, AM/PM**.

☐ **Further Action Required** is to be selected in the following instances: (a) Severance and/or dismissal will be separately filed. See **Request for severance** et al in this procedure for further information; or, (b) Case is "asset" or "undetermined". You will subsequently need to file either an Inventory and Report of Assets or an Inventory and Report of Undetermined Assets. See information following Step 5.

☐ **NO ASSETS** will create a text-only docket entry for IRA No Asset report, satisfy the 341(a) meeting deadline, and change the case status to "Awaiting Discharge". No further action will be necessary unless the asset status of the case subsequently changes, in which case you must file either the Inventory and Report of Assets or the Inventory and Report of Undetermined Assets. See "**Amended IRAs**" for further information.

☐ **Continue To, Date, Time, AM/PM** will satisfy the previous 341(a) meeting deadline and create a docket entry and deadline for the continued 341(a) meeting. The docket text will include the continued 341(a) date, time and location. **HOWEVER**, if the location of the continued 341(a) meeting is different than the location of the initial 341(a) meeting, you must use the following menu item: Bankruptcy-Trustee/US Trustee-Memorandum Rescheduling 341(a) Meeting (see separate procedure).

- ☐ Click **Submit** when all cases have had the appropriate action taken.

STEP 5. The **Notice of Electronic Filing** screen displays listing only the cases that have been designated as NO ASSETS or where the 341(a) was continued (to the same location). The docket text for each of the cases will display under the case number.

“Asset” and “Undetermined Asset” Procedures:

Asset: You must file an Asset IRA (Bankruptcy-Trustee/US Trustee-Inventory and Report of Assets), which will satisfy the 341(a) meeting deadline, change the asset status to “Y”, and produce the *Order Fixing Time to File Claims*. This is a text only entry (i.e. no document needs to be produced or attached). Assets will not be identified in the docket text.

Undetermined Assets: You must file an Undetermined Assets IRA (Bankruptcy-Trustee/US Trustee-Inventory and Report of Undetermined Assets), which will satisfy the 341(a) meeting deadline and change the asset status to “U”. This is a text only entry (i.e. no document needs to be produced or attached). Potential assets will not be identified in the docket text.

NOTE: Upon later determining the asset status of the case, you file either an Asset IRA or a No Asset IRA. The No Asset IRA may be filed in two ways:

(1) Select Bankruptcy-Trustee’s 341 Filings, enter the date of the last 341(a) meeting, and select No Asset for the case in question, and click Submit. The docket text is standardized text; or,

(2) Select Bankruptcy-Trustee/US Trustee-Inventory and Report of No Assets. Again, the docket text is standardized text.

Amended IRAs:

To file an amended IRA, you select the proper IRA (e.g. Assets, Undetermined Assets, No Assets). ECF searches for any previously filed IRA and, if found, the system automatically inserts “Amended” in the docket text.

Other Items Currently on 341(a) Worksheet:

Persons attending 341(a) meeting: The court does not need this information. You will keep your own records if necessary.

Debtor address change: You must advise the debtor(s)/debtor's attorney to file a written change of address with the court, preferably using LBF #101, and may want to make the form available at the meeting.

Request for severance: You must have selected "Further Action Required" on the 341 Filings, and must then file a separate motion (Bankruptcy-Motions/Applications-Sever Case–See procedure). This is a text only entry, as explained above. In the event, you will indicate the party to be severed and select among the following reasons for severance (more than 1 may be selected): (a) Failure to complete (default) and/or (b) Debtors have filed joint petition and are not married.

If the motion to sever relates to failure to complete the 341(a), filing of the motion to sever will result in the setting of a case tickler which will prompt the case administrator to sever and dismiss the case of the severed party 10 days after filing of the motion to sever unless a motion to reschedule the 341(a) meeting is granted by the court. [No separate motion to dismiss by the trustee is required].

In a joint case if one of the debtors is to be dismissed, you must wait until the severance is completed before filing an IRA or continued first meeting of the debtor who will continue.

Failure to complete and request for dismissal: You must have selected "Further Action Required" on the 341 Filings, and must then file a separate motion (Bankruptcy-Motions/Applications-Dismiss Case/Adversary Proceeding–See procedure). In the event, you will indicate if the reason for dismissal is for failure to complete the 341(a) meeting. If so, the result will be a text only entry.

The filing of the motion to dismiss for failure to complete the 341(a) meeting will result in the setting of a case tickler which will prompt the case administrator to dismiss the case 10 days after the motion to dismiss is filed unless a motion to reschedule the 341(a) meeting is granted by the court.

Failure to complete and request for no dismissal (LBF #750.3): You must have selected "Further Action Required" on the 341 Filings, and must then file the LBF #750.3 (Bankruptcy-Miscellaneous-Request for Entry of Order). This is a **non-public** docket event (i.e. it will not appear on public views of the docket).

NOTE: When the E-Orders module is available, you will submit LBF #750.3 (and any other LBF with an order thereon and any proposed order) via E-Orders.

Debtor didn't produce ID at/before continued meeting: The trustee or UST will file a motion (Bankruptcy-Motions/Applications-Dismiss Case/Adversary Proceeding), answer "n" to the prompt as to whether this motion is based on the debtor's failure to complete the 341(a) meeting, and attach the motion.